

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI

DIVISION: 6

By HON. WARREN R. DARROW

CASE NO. P1300CR20081339

JEANNE HICKS, CLERK

By: Heather Smith, Deputy Clerk

DATE: July 14, 2010

**FILED**  
DATE: 07/14/10  
10:00 O'clock A.M.  
JEANNE HICKS, CLERK  
BY: HEATHER SMITH  
Deputy

TITLE:

STATE OF ARIZONA

(Plaintiff)

vs.

STEVEN CARROLL DEMOCKER

(D-1)

(Defendant)

COUNSEL:

Yavapai County Attorney

(For Plaintiff)

John Sears

Larry Hammond & Anne Chapman

OSBORN MALEDON, P.A.

(For Defendant)

HEARING ON:

Pending Motions

NATURE OF PROCEEDINGS

COURT REPORTER

Mina Hunt

START TIME: 10:04 a.m.

APPEARANCES: Joseph Butner, Deputy County Attorney  
Jeff Paupore, Deputy County Attorney  
Sheila Polk, County Attorney  
John Sears, Counsel for Defendant  
Larry Hammond, Counsel for Defendant  
Anne Chapman, Counsel for Defendant  
Steven Carroll Democker, Defendant in Custody

Court directs the record today be sealed until further order of the Court and that today's proceedings be closed to the public and the media.

The Court imposes a gag order directing no discussion of today's proceedings outside of the people present now and the people necessary inside Counsel's office. No person shall have any contact with any sort of media.

Counsel for Defendant Sears and Counsel for State Butner, inform the Court of the parties present and their reason for being present.

Court directs all potential witnesses to exit the Courtroom at this time.

Counsel for Defendant, Sears, addresses the motion for determination of Counsel.

Counsel for Defendant, Sears, requests he be allowed to send copies of sealed pleadings to Mr. Dupont as he is Counsel for Victims. Counsel for State has no objection.

**IT IS ORDERED** Counsel for Defendant, Sears, may transfer copies of sealed documents to Mr. Dupont.

Counsel for Defendant, Sears, requests he be allowed to send copies of sealed pleadings to Dean Trebesch, Public Defender. Counsel for State has no objection.

**IT IS FURTHER ORDERED** Counsel for Defendant, Sears, may transfer copies of sealed documents to Mr. Trebesch.

Counsel for State addresses the motion for determination of Counsel.

Court notes, it will take a recess until 1:00 p.m.

\*\*\*\*\* 11:40 a.m. Recess \*\*\*\*\*

At 12:59 p.m., Court reconvenes with all parties present.

Court indicates, Linda Stein from the Daily Courier is requesting to receive copies of some of the exhibits submitted for trial in this matter.

Counsel for Defendant, Chapman, notes, exhibit 231 has been admitted; however, has not been redacted as per the Court's order and is not in the form which will be provided to the Jury and believes the exhibit should not be provided to the Reporter.

Court indicates, none of the exhibits Lisa Stein is requesting have been admitted; therefore, none of the exhibits requested shall be provided to the Reporter for copies or for viewing.

Counsel for State, Butner, provides closing argument.

Court does not find grounds to disqualify the Defense team of Mr. Democker.

Court directs some questions to the Defense Team in regards to the Motion for Determination of Counsel in which the Court will expect answers to at the next hearing.

Court and Counsel address whether or not the responses to the questions will be provided to Counsel for State or be done on the record and whether or not the Court would allow ex-parte communications.

Counsel for Defendant, Hammond, addresses the Court and believes this is an occasion to which the Court should allow ex-parte communication.

Counsel for State, Butner, disagrees and believes the Court should have the information brought out to all parties and Counsel.

Counsel for Defendant, Sears, addresses the Court.

Court will review some case law and consider whether or not the questions shall be answered ex-parte or be provided to Counsel for State.

Counsel for State, Butner, addresses the insurance policy.

Court also addresses the late disclosure issues.

Counsel for Defendant, Chapman, addresses the late disclosure issues.

Counsel for State, Butner, addresses the late disclosure.

Court notes, it will take a 15 minute recess.

\*\*\*\*\* 2:25 p.m. Recess \*\*\*\*\*

At 2:44 p.m., Court reconvenes with all parties present except Mr. Hammond who will return shortly.

Parties continue argument.

At 2:49 p.m., Larry Hammond enters the Courtroom.

Court rules at this time, John Sears would not need to be called as a witness as to the insurance.

Counsel for State, Butner, addresses the e-mails from the anonymous writer.

Counsel for Defendant, Sears, addresses the e-mails.

This Court believes, the previous ruling was that the e-mails could be brought into the Jury Panel.

Counsel for State indicates, it will be filing a motion for reconsideration.

Court and Counsel discuss the Jury member issue in regards to transportation.

Counsel for Defendant believes the Court should have a meeting with the juror and discuss the issue of transportation.

Counsel for State agrees.

Court sets a further Status Conference for Friday at 9:30 a.m. in Division 6.

Court will instruct the Jury Commissioner to have [REDACTED], Juror [REDACTED], present at 9:30 a.m. on Friday.

Court and Counsel discuss Juror [REDACTED]

Court and Counsel further discuss the late disclosure.

The issue of late disclosure is under advisement at this time. [AE] ✓

The issue of the life insurance is under advisement at this time. [AE] ✓

At the Status Conference on Friday, Court and Counsel will discuss Rule 19.5 as to whether the Jury Trial can continue next week.

Counsel for Defendant, Sears, informs the Court, there is still a motion pending regarding late disclosure.

**Thereafter, off the record**, the Court directs the Clerk to seal the minute entry from today's proceedings not to be made public. The minute entry shall not be scanned into onbase for others to view. The Clerk shall provide hard copies of the minute entry to only those as indicated on the minute entry. No other parties need to receive the minute entry.

**END TIME: 4:16 p.m.**

cc: Dean Trebesch (Contract Administrator) (PD)  
Christopher DuPont, Trautman DuPont PLC,  
Counsel for Victims Charlotte and Katherine DeMocker  
YCSO – Detention Records